

Message Text

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17

ACTION EB-07

INFO OCT-01 EUR-12 NEA-09 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 SS-15 NSC-05

L-02 AID-05 /065 W
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P R 190425Z FEB 75

FM AMEMBASSY MUSCAT

TO SECSTATE WASHDC PRIORITY 889

INFO AMEMBASSY BEIRUT

AMEMBASSY BRUSSELS

AMEMBASSY KUWAIT

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E.O. 11652: N/A

TAGS: EAID, EAIR, MU

SUBJECT: FAA CIVIL AVIATION ASSISTANCE TO OMAN

BEIRUT FOR FAA/ABEI-1

BRUSSELS FOR FAA/AEU-500

KUWAIT FOR FAA CAAG

REF: STATE 15680

1. COMMUNICATIONS MINISTER, ON ADVICE UNDERSECRETARY CIVIL
AVIATION, SUBMITS FOLLOWING FURTHER CHANGES TO MOA:

A) FIRST PARAGRAPH. "WHEREAS THE SULTANATE OF OMAN,
REPRESENTED BY THE MINISTRY OF COMMUNICATIONS (HEREINAFTER
REFERRED TO AS THE MINISTRY), DESIRING TO DEVELOP CIVIL
AVIATION AND TO PROMOTE THE SAFETY AND REGULARITY OF AIR
TRANSPORTATION WITHIN ITS TERRITORY REQUIRES TECHNICAL
ASSISTANCE WHICH IT HAS DETERMINED SHOULD BE OBTAINED AT
ITS OWN EXPENSE FROM THE FEDERAL AVIATION ADMINISTRATION
(HEREINAFTER REFERRED TO AS THE FAA); AND..."

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B) ARTICLE I. SUB-PARA A. "THE PURPOSE OF THIS

AGREEMENT IS TO PROVIDE FOR FAA PERSONNEL AND RELATED SERVICES TO ASSIST THE DIRECTORATE OF CIVIL AVIATION TO IMPLEMENT ITS POLICIES AND TO ADEQUATELY SUPPORT THE AIR TRANSPORTATION SERVICES AND FACILITIES OF THE SULTANATE OF OMAN."

C) ARTICLE II. SUB-PARA A.I.C. "SUCH OTHER FIELDS AS AIRWORTHINESS, AIRCRAFT REGISTRATION, COMMUNICATIONS, AIR TRAFFIC SERVICES, AERONAUTICAL INFORMATION SERVICES, METEOROLOGICAL SERVICES ETC., AS MAY BE REQUIRED UNDER THE PROVISIONS OF PARAGRAPH 4 OF THIS ARTICLE."

D) ARTICLE V. LIABILITY. "THE FEDERAL AVIATION ADMINISTRATION SHALL INDEMNIFY THE GOVERNMENT OF THE SULTANATE OF OMAN AGAINST ALL LOSSES, ACTIONS, PROCEEDINGS, CLAIMS, COSTS, DAMAGES AND DEMANDS OF WHATSOEVER NATURE ARISING OUT OF OR THROUGH THE DEFAULT OR NEGLIGENCE OF FAA PERSONNEL IN THE EXERCISE OR PURPORTED EXERCISE OF THIS AGREEMENT."

E) ARTICLE IX. IT IS SUGGESTED THAT 6 (SIX) MONTHS NOTICE SHOULD BE GIVEN.

2. OTHER CHANGE SUGGESTED BY CIVIL AVIATION DEPARTMENT, TO LIMIT TRANSPORTATION TO TRIPS BETWEEN HOME AND WORK, WAS REJECTED BY COMMUNICATIONS MINISTER ON ADVICE OF EMBOFF.

3. EMBASSY COMMENT: WITH EXCEPTION OF ARTICLE V, WE THINK PROPOSED CHANGES ARE NON-SUBSTANTIVE AND, HENCE, URGE THEIR ADOPTION BY FAA. IN RESPONSE TO QUESTION, EMBOFF TOLD MINCOMMUNICATIONS THAT WE DID NOT RPT NOT BELIEVE PROPOSED ARTICLE V CHANGE WOULD BE ACCEPTABLE. MINISTER STATED HE WOULD BE AMENABLE TO COMPROMISE ON THIS ISSUE. EMBASSY SUGGESTS FAA CONSIDER ADDING PHRASE SUCH AS "EXCEPT IN THE EVENT OF CRIMINAL LIABILITY" TO ORIGINAL MOA WORDING. (FYI: SIMILAR CONFLICT IN MINISTRY AGREEMENT WITH PAN AMERICAN RESOLVED IN THIS MANNER.)
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